

Message Text

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ACTION NEA-10

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FM AMEMBASSY TUNIS

TO SECSTATE WASHDC IMMEDIATE 7957

INFO AMEMBASSY ALGIERS

AMEMBASSY PARIS

AMEMBASSY TRIPOLI

UNCLAS TUNIS 5942

E.O.11652: NA

TAGS: PINT, PINS, TS

SUBJ: BEN SALAHISTDQY TRIAL; THE VERDICT

REF: TUNIS 5801 & 5924

1. SUMMARY: STATE SECURITY COURT COMPLETED ITS TRIAL OF 33 PERSONS FOR ATTEMPTING TO OVERTHROW THE STATE AND OTHER CHARGES RELATED TO PUBLIC SECURITY. COURT ACQUITTED ALL DEFENDANTS ON MAIN PROSECUTION CHARGE THAT THEY WERE SEEKING TO OVERTHROW THE STATE BY ILLEGAL MEANS. TWENTY-TO-LEE DEFENDANTS WERE CONVICTED ON LESSER CHARGES OF MEMBERSHIP IN AN ILLEGAL ORGANIZATION, INSULTING THE CHIEF OF STATE, PUBLICATION AND CIRCULATION OF TRACTS CONTAINING FALSE NEWS AND PROPAGATION VIA MUP JOURNAL OF LIBELOUS REMARKS. NINE OF THE DEFENDANTS WERE ACQUITTED OF ALL CHARGES. SENTENCES RANGE FROM 8 YEARS FOR AHMED BEN SALAH AND OTHER DEFENDANTS RESIDING IN EUROPE TO SIX MONTHS FOR SOME OF THE DEFENDANTS UNDER UNCLASSIFIED

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DETENTION IN TUNIS. END SUMMARY

2. TWO MONTH LONG STATE SECURITY COURT TRIAL OF 33 ALLEGED MEMBERS OF MOVEMENT OF POPULAR UNITY (MUP) ENDED AUGUST 19 WITH ACQUITTAL OF ALL DEFENDANTS ON MAIN PROSECUTION CHARGE THAT THEY SOUGHT TO OVERTHROW THE STATE BY ILLEGAL MEANS. PRESIDING JUDGE MOHAMED SALAH AYARI RULED THAT GOT HAD NOT PRESENTED MATERIAL EVIDENCE SUPPORTING INDICTMENT ON

MAJOR CHARGE. HE FOUND 24 DEFENDANTS GUILTY ON LESSER CHARGES OF MEMBERSHIP IN AN ILLEGAL ORGANIZATION, INSULTING THE CHIEF OF STATE, PUBLICATION AND CIRCULATION OF TRACTS CONTAINING FALSE NEWS AND PROPAGATION VIA MUP JOURNAL OF LIBELOUS REMARKS. ADDRESSING HIMSELF TO DEFENSE POINT THAT TUNISIAN LAWS MAKE THESE ACTIONS CRIMINAL ARE UNCONSTITUTIONAL, AYARI RULED THAT HIS COURT HAS NO JUDICIAL COMPETENCE TO JUDGE CONSTITUTIONALITY OF LAWS. NINE DEFENDANTS WERE ACQUITTED OF ALL CHARGES.

3. AYARI ANNOUNCED SENTENCES FOR THOSE CONVICTED AND SAID THAT LENGTH OF PRISON TERMS WAS DETERMINED BY DEGREE OF PARTICIPATION IN ILLEGAL ACTIVITIES BY EACH DEFENDANT. AHMED BEN SALAH AND FIVE OTHERS WHO RESIDE IN EUROPE AND WERE TRIED IN ABSENTIA RECEIVED SENTENCES OF 8 TO 5 YEARS. MOUNIR KACHOUKH, A KEY MUP ACTIVIST IN TUNISIA, WAS SENTENCED TO 4 YEARS; TAHAR KACEM TO THREE; AND MOHAMED BELHAJ AMOR, TIJANI HARCHA, MOHAMED DAOUD, AND ABDELJELIL GAHBICHE TO TWO YEARS. SEVEN DEFENDANTS, INCLUDING BRAHIM HAYDER AND ABBES HAKIMA, WERE GIVEN SUSPENDED SENTENCES. TWO DEFENDANTS SENTENCED TO SIX MONTHS WERE RELEASED IMMEDIATELY SINCE THEY HAD ALREADY SERVED THAT TIME IN COURSE OF POLICE INVESTIGATION UNCLASSIFIED

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AND TRIAL.

4. PRESS COVERAGE OF TRIAL VERDICT IN PSD DAILY L'ACTION HAS EMPHASIZED POSITIVE ASPECTS OF COURT'S JUDGMENT, PLAYING UP STATEMENTS BY PRESIDING JUDGE ON INDEPENDENCE OF JUDICIARY AND FREEDOM OF ACTION ACCORD TO DEFENSE. L'ACTION GAVE FULL PLAY TO JUDGE'S STATEMENT THAT GOT DID NOT PRESENT MATERIAL EVIDENCE SUPPORTING MAJOR INDICTMENT CHARGE ON ATTEMPTED OVERTHROW OF STATE. L'ACTION ALSO VENTURED OPINION IN NEWS ARTICLE THAT "SEVERAL PERSONS" EXPRESSED PLEASURE AT VERDICT AND CONSIDERED IT "GOOD". SEMI-INDEPENDENT DAILY LE TEMPS DEVOTED NEARLY FULL PAGE TO END OF TRIAL WITH PICTURES OF PRINCIPAL DEFENDANTS (EXCEPT BEN SALAH). LE TEMPS SLANTED ITS ARTICLE ALONG LINES OF L'ACTION PIECE BUT ALSO NOTED THAT DEFENDANTS AND OBSERVERS IN COURT BROKE INTO PATRIOTIC HYMN AT CLOSE OF SESSION. LE TEMPS ACCOMPANIED TRIAL ARTICLE WITH OTHER NEWS ITEM HEADLINED IN RED "BROAD AMNESTY IN IRAN",

REPORTING ON RELEASE BY SHAH OF 572 "POLITICAL PRISONERS."
KING

NOTE BY OC/T: MESSAGE AS RECEIVED.

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